

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MICHAEL YABAI,

Plaintiff

-v-

BUILDING SERVICE 32BJ BENEFIT FUNDS,

Defendant,

**ANSWER**

07-CV-7255 (LAP)

Defendant, by its attorneys Raab, Sturm & Goldman, answers the Complaint of Plaintiff as follows:

1. Denies the allegations in paragraph 1. Asserts that Plaintiff's claim for disability benefits was filed in 2006.
2. Denies knowledge of information sufficient to form a belief as to the allegations in paragraph 2.
3. Denies the allegations in paragraph 3.
4. Denies the allegations in paragraph 4.

## FIRST DEFENSE

5. The Complaint fails to state a cause of action.

## SECOND DEFENSE

6. Plaintiff is not eligible for disability benefits due to insufficiency of service credits.



**THIRD DEFENSE**

7. Plaintiff is not eligible for disability benefits due to his alleged disability not having arisen while Plaintiff was working in covered employment, as required by the benefits plan.

WHEREFORE, Defendant requests an Order denying all claims and dismissing the Complaint, together with the costs and disbursements of the action.

Dated: New York, New York  
September 24, 2007

Raab, Sturm & Goldman,  
Attorney for Defendant

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